

“(II) whether the State is described in subparagraph (B).

“(B) STATES WITH FUNDS IN EXCESS OF 200 PERCENT OF NEED.—A State described in this subparagraph is a State for which the Secretary determines, on the basis of the most recent data available to the Secretary as of April 30, 2007, that the total of all available allotments under this title to the State as of such date, is at least equal to 200 percent of the total projected expenditures under this title for the State for fiscal year 2008.

“(C) REDISTRIBUTION AND LIMITATION ON AVAILABILITY OF PORTION OF UNUSED ALLOTMENTS FOR CERTAIN STATES.—

“(i) IN GENERAL.—In the case of a State identified under subparagraph (A)(i) that is also described in subparagraph (B), notwithstanding subsection (e), the applicable amount described in clause (ii) shall not be available for expenditure by the State on or after May 1, 2007, and shall be redistributed in accordance with paragraph (1).

“(ii) APPLICABLE AMOUNT.—For purposes of clause (i), the applicable amount described in this clause is—

“(I) the amount by which the amount described in subparagraph (A)(ii)(I), exceeds the total of the amounts the Secretary determines will eliminate the estimated shortfalls for all States described in paragraph (1)(B) (after the application of paragraph (2)) for the fiscal year; multiplied by

“(II) the ratio of the amount described in subparagraph (A)(ii)(I) with respect to the State to the total the amounts described in subparagraph (A)(ii)(I) for all such States.”.

(b) CONFORMING AMENDMENTS.—Section 2104(h) of such Act (42 U.S.C. 1397dd(h)) is amended—

(1) in paragraph (4), by inserting “or subsection (i)” after “this subsection” each place it appears;

(2) in paragraph (5)(A), by inserting “and subsection (i)” after “and (3)”;

(3) in paragraph (6), by inserting “or subsection (i)” after “this subsection”; and

(4) in paragraph (7), by inserting “and subsection (i)” after “this subsection”.

(c) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section take effect on the day after the date of enactment of this Act and apply without fiscal year limitation.

SA 265. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 259 submitted by Mr. WARNER (for himself, Mr. LEVIN, Ms. COLLINS, Mr. NELSON of Nebraska, Mr. HAGEL, Ms. SNOWE, Mr. SMITH, Mr. BIDEN, and Mr. SALAZAR) and intended to be proposed to the joint resolution H.J. Res. 20, making further continuing appropriations for the fiscal year 2007, and for other purposes; which was ordered to line on the table; as follows:

On page 7, between lines 11 and 12, insert the following:

(23) Congress and the American people will continue to support and protect the members of the United States Armed Forces who are serving or who have served bravely and honorably in Iraq.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during

the session of the Senate on Tuesday, February 13, 2007, at 9:45 a.m. in 328A, Russell Senate Office Building. The purpose of this committee hearing will be to consider “Rural Development—Challenges and Opportunities.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a business meeting during the session of the Senate on Tuesday, February 13, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The purpose of this meeting will be to consider and approve the following legislation following bills: S. 184, S. 509, S. 385, S. 93, S. 84, S. 39, and to make nominations for promotion in the United States Coast Guard.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, February 13, 2007, at 10 a.m. in room SD-106 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the Stern Review of the Economics of Climate Change, examining the economic impacts of climate change and stabilizing greenhouse gases in the atmosphere.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet for a hearing on Tuesday, February 12, 2007, at 10 a.m. in SD-106. The purpose of the hearing is to review the report and recommendations of the U.S. Climate Action Partnership.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Tuesday, February 13, 2007, at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, February 13, 2007, at 10 a.m. for a hearing titled “The Homeland Security Department’s Budget Submission for Fiscal Year 2008.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled “Alternatives for Easing the Small Business Health Care Burden,” on Tuesday, February 13, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS’ AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on Tuesday, February 13, 2007, to hold a hearing on Veterans Programs for Fiscal Year 2008.

The hearing will take place in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Intelligence be authorized to meet during the session of the Senate on February 13, 2007, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, and after consultation with the majority leader, pursuant to Public Law 106-286, appoints the following Members to serve on the Congressional-Executive Commission on the People’s Republic of China. The Senator from Montana (Mr. BAUCUS), the Senator from Michigan (Mr. LEVIN), the Senator from California (Mrs. FEINSTEIN), the Senator from North Dakota (Mr. DORGAN), Co-Chairman; and the Senator from Ohio (Mr. BROWN).

AUTHORIZING LEGAL REPRESENTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 80, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 80) to authorize testimony, document production, and legal representation in *State of Oregon v. Rebecca Michelson, Michele Darr, and Vernon Huffman*.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony,

documents, and representation in criminal trespass actions in Multnomah County Circuit Court in Portland, OR. In this action, anti-war protestors have been charged with criminally trespassing in the building housing Senator GORDON SMITH's Portland, OR office on December 12, 2006, for refusing repeated requests by the police to leave the premises. Trials on charges of trespass are scheduled to commence on February 26, 2007. The prosecution has subpoenaed a member of the Senator's staff who had conversations with the defendant protestors during the charged events. Senator SMITH would like to cooperate by providing testimony and any relevant documents from his staff. This resolution would authorize that staff member, and any other employee of Senator SMITH's office from whom evidence may be required, to testify and produce documents in connection with this action, with representation by the Senate Legal Counsel.

Mr. CARDIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 80) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 80

Whereas, in the cases of State of Oregon v. Rebecca Michelson (2101093-1), Michele Darr (2101093-2), and Vernon Huffman (2101093-3), pending in Multnomah County Circuit Court in Portland, Oregon, testimony and docu-

ments have been requested from Kellie Lute, an employee in the office of Senator Gordon Smith;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Kellie Lute and any other employees of Senator Smith's office from whom testimony or the production of documents may be required are authorized to testify and produce documents in the cases of State of Oregon v. Rebecca Michele Darr, and Vernon Huffman, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Kellie Lute and other employees of Senator Smith's staff in the actions referenced in section one of this resolution.

MEASURE READ THE FIRST
TIME—S. 574

Mr. CARDIN. Mr. President, I understand that S. 574, introduced earlier today by Senator REID, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 574) to express the sense of Congress on Iraq.

Mr. CARDIN. I now ask for its second reading and I object to my own request.

The PRESIDING OFFICER. The objection is heard. The bill will receive its second reading on the next legislative day.

ORDERS FOR WEDNESDAY,
FEBRUARY 14, 2007

Mr. CARDIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12 noon Wednesday, February 14; that on Wednesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with each side controlling 30 minutes; that at the close of morning business, the Senate resume consideration of H.J. Res. 20, the continuing funding resolution; that all time during the adjournment and morning business count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW

Mr. CARDIN. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 5:09 p.m., adjourned until Wednesday, February 14, 2007, at 12 noon.